

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIEGO PILCO,

Plaintiff,

-against-

UNITED STATES DEPARTMENT OF  
JUSTICE EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW,

Defendant.

23-CV-10051 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

On January 16, 2024, the Court granted Plaintiff 60 days' leave to file an amended complaint. That order was returned to the Court on February 12, 2024. The Court therefore directed Plaintiff, by order dated February 15, 2024, to update the Court, in writing, with a new address, within 30 days. Plaintiff has not notified the court of a change of mailing address or filed an amended complaint. Accordingly, Plaintiff's complaint is dismissed without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute. Should Plaintiff intend to proceed with this matter, he may file a motion for reconsideration asking the Court to reconsider its order of dismissal and attaching his amended complaint.

**CONCLUSION**

The Court dismisses Plaintiff's complaint without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: March 20, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge